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12/1/89 UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

UNITED STATES OF AMERICA,

CRIMINAL ACTION  
NO. CR95-30024-002

VERSUS

WELTON L. WRIGHT

JUDGE TUCKER L. MELANÇON  
MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T

For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent review of the entire record, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Wright's Section 2255 motion is DISMISSED WITHOUT PREJUDICE.

The Clerk of this court is directed to notify Wright (1) that he must file in the Fifth Circuit Court of Appeals a motion pursuant to Section 2244(b)(2) within 30 days from the date of the Clerk's notice, and (2) if he fails to file such a motion within that time, an order will be entered denying authorization. The Clerk shall further notify Wright that, to be successful, his motion must make a prima facie showing that either (1) his claim relies on a new rule a constitutional law that was made retroactive by the Supreme Court and was previously unavailable, or (2) the factual predicate for the claim could not have been discovered previously through due diligence and the underlying facts, if proved by clear and convincing evidence, would be sufficient to

establish that a reasonable trier of fact would not have found the applicant guilty of the underlying offense. See §§ 2244(b)(2) and (b)(3)(C). Finally, the Clerk shall instruct Wright that the following documents should be attached to and filed with his § 2244(b)(3) motion:

(1) A copy of the proposed § 2255 motion for which he is requesting authorization to file in the district court;

(2) Copies of (a) all previous § 2255 motions challenging the judgment or sentence received in any conviction for which he is currently incarcerated; (b) all previous § 2241 petitions challenging the terms and conditions of his imprisonment; and (c) any complaint, regardless of title, that was subsequently treated by the district court as a § 2255 motion or a § 2241 petition;

(3) All court opinions and orders disposing of the claims advanced in (2) above; and

(4) All magistrate judge's reports and recommendations issues in connection with claims advanced in (2), above.

If, after due diligence and through no fault of his own, Wright is unable to procure any of the documents described above, he should submit, in lieu of such documents, an affidavit describing the steps he has taken in efforts to procure them and explaining why he was unsuccessful.

THUS ORDERED AND SIGNED in Chambers at La Brea, Louisiana, on this 30th day of November, 2005.

  
TUCKER L. MELANÇON  
UNITED STATES DISTRICT JUDGE

COPY SENT

DATE 12/1/15  
BY [Signature]  
TO TL